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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 15th March, 1997:—

I

BILL NO. XV OF 1997

A Bill further to amend the Indian Ports Act, 1908 and the Major Port Trusts Act, 1963.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Port Laws (Amendment) Act, 1997.

(*2*) It shall be deemed to have come into force on the 9th day of January, 1997.

CHAPTER II

AMENDMENTS TO THE INDIAN PORTS ACT, 1908

Amendment of section 3.

15 of 1908.

2. In section 3 of the Indian Ports Act, 1908 (hereafter in this Chapter referred to as the Ports Act), for clause (*1*), the following clause shall be substituted, namely:—

2 of 1974

'(*1*) "Magistrate" means a person exercising powers under the Code of Criminal Procedure, 1973;'.

Amendment of section 6.

3. In section 6 of the Ports Act, in sub-section (*1*),—

(*i*) in clause (*j*), after the words "rates to be paid", the words "in a port other than a major port" shall be inserted;

(*ii*) for clause (*jj*), the following clauses shall be substituted, namely:—

"(*jj*) for regulating the use of piers, jetties, landing places, wharves, quays, warehouses and sheds when belonging to the Government;

(*jja*) for fixing the rates to be paid for the use of piers, jetties, landing places, wharves, quays, warehouses and sheds of any port, other than a major port, when belonging to the Government;";

(*iii*) for clause (*k*), the following clauses shall be substituted, namely:—

"(*k*) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for licensing and regulating the crews of any such vessels; and for determining the quantity of cargo or number of passengers or of the crew to be carried by any such vessels and the conditions under which such vessels shall be compelled to ply for hire and further for conditions under which any licence may be revoked;

(*kk*) for providing for the fees payable in respect of the services specified in clause (*k*) for any port, other than a major port;".

Amendment of section 33.

4. In section 33 of the Ports Act,—

(*a*) in sub-section (*1*), after the words "in each of the ports mentioned in the First Schedule", the words "other than a major port" shall be inserted;

(*b*) in sub-section (*3*), after the words "declares any other port", the words "other than a major port" shall be inserted.

Substitution of new section for section 34.

Variation of port dues by Government.

5. For section 34 of the Ports Act, the following section shall be substituted, namely:—

"34. The Government may after consulting,—

(*a*) in case of ports other than major ports, the authority appointed under section 36;

(*b*) in case of major ports, the Authority constituted under section 47A of the Major Port Trusts Act, 1963, 38 of 1963.

exempt, subject to such conditions, if any, as it thinks fit to impose, any vessel or class of vessels entering a port subject to this Act from payment of port dues and cancel the exemption, or may vary the rates at which port-dues are to be fixed in the port, in such manner as, having regard to the receipts and charges on account of the port, it thinks expedient, by reducing or raising the dues, or any of them or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port-dues:

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.".

Amendment of section 35.

6. In section 35 of the Ports Act, in sub-section (*1*), after the words "Within any port subject to this Act", the words "not being a major port" shall be inserted.

Amendment of section 46.

7. In section 46 of the Ports Act, after the words "A vessel entering any port", the words "not being a major port" shall be inserted

Amendment of section 47.

8. In section 47 of the Ports Act, after the words "When a vessel enters a port", the words "not being a major port" shall be inserted.

9. In the First Schedule to the Ports Act, in Part I, entries under columns 2, 3 and 4 shall be omitted. Amendment of First Schedule.

CHAPTER III

AMENDMENTS TO THE MAJOR PORT TRUSTS ACT, 1963

38 of 1963.

10. In section 2 of the Major Port Trusts Act, 1963 (hereafter in this Chapter referred to as the Major Port Act), after clause (*a*), the following clause shall be inserted, namely:— Amendment of section 2.

'(*aa*) "Authority" means the Tariff Authority for Major Ports constituted under section 47A;'.

11. In section 29 of the Major Port Act, after sub-section (*2*), the following sub-section shall be inserted, namely:— Amendment of section 29.

"(*3*) Notwithstanding anything contained in clause (*a*) of sub-section (*1*), the right to fix rates vested in the Board shall vest in the Authority as from the date it is constituted under sub-section (*1*) of section 47A.".

12. In section 42 of the Major Port Act, in sub-section (*4*), for the words and figures "leviable according to the scale framed under section 48 or section 49 or section 50", the words "specified by the Authority, by notification in the Official Gazette" shall be substituted. Amendment of section 42.

10 of 1940. 26 of 1996.

13. In section 47 of the Major Port Act, in sub-section (*3*), in clause (*i*), for the words and figures "The Arbitration Act, 1940", the words and figures "The Arbitration and Conciliation Act, 1996" shall be substituted. Amendment of section 47.

14. After Chapter V of the Major Port Act, the following Chapter shall be inserted, namely:— Insertion of new Chapter VA.

"CHAPTER VA

TARIFF AUTHORITY FOR MAJOR PORTS

47A. (*1*) **With effect from such date as the Central Government may, by notification in the Official Gazette, appoint there shall be constituted for the purposes of this Act an Authority to be called the Tariff Authority for Major Ports.** Constitution and incorporation of Tariff Authority for Major Ports.

(*2*) **The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall by the said name sue and be sued.**

(*3*) **The head office of the Authority shall be at such place as the Central Government may decide from time to time.**

(*4*) **The Authority shall consist of the following Members to be appointed by the Central Government, namely :—**

(*a*) **a Chairperson from amongst persons who is or who has been a Secretary to the Government of India or has held any equivalent post in the Central Government and who has experience in the management and knowledge of the functioning of the ports;**

(*b*) **a Member from amongst economists having experience of not less than fifteen years in the field of transport or foreign trade;**

(*c*) **a Member from amongst persons having experience of not less than fifteen years in the field of finance with special reference to investment or cost analysis in the Government or in any financial institution or industrial or services sector.**

47B. (*1*) The Chairperson or a Member shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier. Term of office, conditions of service, etc., of Chairperson and other Members.

(*2*) **The salaries and allowances payable to and other conditions of service of the Chairperson and the other Members shall be such as may be prescribed by the Central Government.**

(*3*) Notwithstanding anything contained in sub-section (*1*), the Chairperson or a Member may—

(*a*) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or

(*b*) be removed from his office in accordance with the provisions of section 47D.

(*4*) If a casual vacancy occurs in the office of the Chairperson or any Member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled up by the Central Government by making a fresh appointment and the Chairperson or the Member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

Disqualification for the office of Chairperson and Member.

47C. A person shall be disqualified for being appointed as a Chairperson or as a Member of the Authority if he is disqualified for being chosen as a Trustee under section 6.

Removal, etc., of Chairperson and Members.

47D. (*1*) The Central Government shall remove from the Authority the Chairperson or any Member, if he—

(*a*) becomes subject to any disqualification under section 47C;

(*b*) refuses to act or becomes incapable of acting;

(*c*) in the opinion of the Central Government has so abused his position as to render his continuance in office detrimental to the public interest, or

(*d*) is otherwise unsuitable to continue as the Chairperson or as a Member.

(*2*) The Central Government may suspend the Chairperson or any Member pending an inquiry against him.

(*3*) No order of removal under this section shall be made unless the Chairperson or the Member concerned, as the case may be, has been given an opportunity to submit his explanation to the Central Government and when such order is passed, the seat of the Chairperson or Member removed shall be declared vacant.

(*4*) The Chairperson or a Member who has been removed under this section shall not be eligible for re-appointment as a Chairperson or as a Member or in any other capacity under the Authority.

Meetings.

47E. The Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be specified by regulations.

Authentication of all orders and decisions of the Authority.

47F. All orders and decisions of the Authority shall be authenticated by the signature of the Chairperson or any other Member authorised by the Authority in this behalf.

Vacancy, etc., not to invalidate proceedings of the Authority.

47G. No act or proceeding of the Authority shall be invalidated merely by reason of—

(*a*) any vacancy in, or any defect in, the constitution of the Authority; or

(*b*) any defect in the appointment of a person acting as a Chairperson or a Member of the Authority; or

(*c*) any irregularity in the procedure of the Authority not affecting the merits of the case.

Officers and employees of the Authority.

47H. (*1*) **The Authority may appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Act.**

(*2*) **The salary and allowances payable to and the other conditions of service of the officers and other employees of the Authority appointed under sub-section (*1*) shall be such as may be specified by regulations.".**

Amendment of section 48.

15. In section 48 of the Major Port Act, in sub-section (*1*),—

(*a*) for the opening portion, the following shall be substituted, namely:—

"The Authority shall from time to time, by notification in the Official Gazette, frame a scale of rates at which, and a statement of conditions under which, any of the services specified hereunder shall be performed by a Board or any other person authorised under section 42 at or in relation to the port or port approaches—";

(*b*) in clause (*e*), the words "excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act" shall be omitted.

Amendment of section 49.

16. In section 49 of the Major Port Act, in sub-section (*1*), for the opening portion, the following shall be substituted, namely:—

"The Authority shall from time to time, by notification in the Official Gazette, also frame a scale of rates on payment of which, and a statement of conditions under which, any property belonging to, or in the possession or occupation of, the Board, or any place within the limits of the port or the port approaches may be used for the purposes specified hereunder:—".

Insertion of new sections 49A and 49B.

17. After section 49 of the Major Port Act, the following sections shall be inserted, namely:—

Fees for pilotage and certain other services.

"49A. (*1*) Within any port, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the Authority may fix.

(*2*) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (*1*).

(*3*) The Central Government may, in special cases, remit the whole or any portion of the fees chargeable under sub-section (*1*) or sub-section (*2*).

Fixation of port-dues.

49(*B*). (*1*) The Authority shall from time to time, by notification in the Official Gazette, fix port-dues on vessels entering the port.

(*2*) An order increasing or altering the fees for pilotage and certain other services or port-dues at every port shall not take effect until the expiration of thirty days from the day on which the order was published in the Official Gazette.".

Substitution of section 50 and insertion of new sections 50A, 50B and 50C.

18. For section 50 of the Major Port Act, the following sections shall be substituted, namely:—

Consolidated rates for combination of services.

"50. The Authority may, from time to time, by notification in the Official Gazette, frame a consolidated scale of rates for any combination of service specified in section 48 or for any combination of such service or services with any user or permission to use any property belonging to or in the possession or occupation of the Board, as specified in section 49 or the fees to be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring and other services rendered to vessels as specified in section 49A or the port dues to be fixed on vessels entering the port and for the duration of such dues as specified in section 49B.

Port-due on vessels in ballast.

50A. A vessel entering any port in ballast and not carrying passengers shall be charged with a port-due at a rate to be determined by the Authority and not exceeding three-fourths of the rate with which she would otherwise be chargeable.

Port-due on vessels not discharging or taking in cargo.

50B. When a vessel enters a port but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the Authority and not exceeding half the rate with which she would otherwise be chargeable.

Publication of orders of Authority.

50C. Every notification, declaration, order and regulation of the Authority made in pursuance of this Act shall be published in the Official Gazette and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule relates, and shall there be open at all reasonable times to the inspection of any person without payment of any fee.".

Amendment of section 51.

19. In section 51 of the Major Port Act, for the word "Board" in both the places where it occurs, the word "Authority" shall be substituted.

Omission of section 52.

20. Section 52 of the Major Port Act shall be omitted.

Amendment of section 54.

21. In section 54 of the Major Port Act,—

(*a*) in sub-section (*1*), for the words "direct any Board", the words "direct the Authority" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) for the words, brackets and figure "If any Board against whom a direction is made under sub-section (*1*) fails or neglects to comply with such direction", the words, brackets and figure "If the Authority fails or neglects to comply with the direction under sub-section (*1*)" shall be substituted;

(*ii*) in the proviso, for the words "the Board", the words "the Authority" shall be substituted.

Amendment of section 57.

22. In section 57 of the Major Port Act, for the words "A Board shall not lease", the words "The Authority shall not lease" shall be substituted.

Amendment of section 59.

23. In section 59 of the Major Port Act, in sub-section (*1*) for the words "leviable by a Board under this Act", the words "leviable under this Act" shall be substituted.

Insertion of new section 110A.

24. After section 110 of the Major Port Act, the following section shall be inserted, namely:—

Power of Central Government to supersede the Authority.

"110A. (*1*) If the Central Government is of the opinion that the Authority is unable to perform, or has persistently made default in the performance of, the duty imposed on it by or under this Act or has exceeded or abused its powers, or has wilfully or without sufficient cause, failed to comply with any direction issued by the Central Government under section 111, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period as may be specified in the notification:

Provided that, before issuing a notification under this sub-section, the Central Government shall give reasonable opportunity to the Authority to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) the Chairperson and the Members of the Authority shall, notwithstanding that their term of office has not expired as from the date of supersession, vacate their offices as such Chairperson or Members as the case may be;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further period as it may consider necessary; or

(b) reconstitute the Authority in the manner provided in section 47A.".

Amendment of section 111.

25. In section 111 of the Major Port Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Without prejudice to the foregoing provisions of this Chapter, the Authority and every Board shall, in the discharge of its functions under this Act be bound by such directions on questions of policy as the Central Government may give in writing from time to time:

Provided that the Authority or the Board, as the case may be, shall be given opportunity to express its views before any direction is given under this sub-section.".

Substitution of new section for section 112.

26. For section 112 of the Major Port Act, the following section shall be substituted, namely:—

Every person employed by the authority of this Act to be a public servant.

"112. Every person employed by the Authority or by a Board under this Act shall, for the purposes of sections 166 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code and for the purposes of the Prevention of Corruption Act, 1988 be deemed to be a public servant within the meaning of section 21 of the said Code.".

45 of 1860.
49 of 1988

Amendment of section 121.

27. In section 121 of the Major Port Act, for the words "against a Board or any member", the words "against the Authority a Board or any member" shall be substituted.

Amendment of section 122.

28. In section 122 of the Major Port Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

"(ba) the salaries, allowances payable to and the other terms and conditions of the Chairperson and members of the Authority;".

Insertion of new section 123A

29 After section 123 of the Major Port Act, the following section shall be inserted, namely:—

Power of Authority to make regulations.

"123A. The Authority may make regulations consistent with this Act for all or any of the following purposes, namely:—

(*a*) the times and places of meetings of the Authority and the procedure to be followed at such meetings under section 47E;

(*b*) the salaries and allowances payable to and the other conditions of service of officers and other employees of the Authority under sub-section (2) of section 47H".

Amendment of section 132

30. In section 132 of the Major Port Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, for the words "made by a Board or by the Central Government", the words "made by a Board or the Authority or the Central Government" shall be substituted;

(*ii*) in clause (*b*), for the words "made by the Central Government", the words "made by the Authority or the Central Government" shall be substituted;

(*b*) in sub-section (*2*), for the words "made by the Central Government", the words "made by the Authority or the Central Government" shall be substituted.

CHAPTER IV

MISCELLANEOUS

Repeal and saving.

31. (*1*) The Port Laws (Amendment) Ordinance, 1997 is hereby repealed. Ord. 1 of 1997

(*2*) Notwithstanding such repeal, anything done or any action taken under the Indian Ports Act, 1908 and the Major Port Trusts Act, 1963 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act. 15 of 1908 38 of 1963.

STATEMENT OF OBJECTS AND REASONS

There are eleven major ports in the country, six on the west coast (Kandla, Bombay, Jawaharlal Nehru, Mormugao, New Mangalore and Cochin) and five on east coast (Calcutta including Haldia, Paradip, Visakhapatnam, Madras and Tuticorin) which are administered by the Port Trusts under the control of Central Government. Over 90% of India's sea trade moves through the 11 Major Ports. The traffic being handled at the major ports has been increasing steadily over the years.

2. On a conservative estimate of cumulative growth of 9% per annum in terms of traffic, our ports would need to be capable of handling a traffic of approximately 850 MT by 2012. This would call for 300 to 400 additional berths to handle the cargo of different kinds. The creation of additional port capacity of this order at the current costs, would require an investment of over Rs. 40,000 crores. Projections made by the Ministry of Surface Transport indicate that not more than Rs. 10,000 to Rs. 12,000 crores would be available from plan funds and the internal resources of the ports for investment in port development and the balance would have to come from the private sector or the capital market.

3. Recently the Government had laid down guidelines for private sector participation in the major ports. Therefore, it was felt that there should be a regulatory authority for determining the various rates and charges for services rendered both by the major ports and private providers of port facilities in order to provide a measure of transparency in the charges collected at major ports.

4. The President accordingly promulgated the Port Laws (Amendment) Ordinance, 1997 on 9th January, 1997 to amend the Indian Ports Act, 1908 and the Major Ports Trusts Act, 1963 to enable the Central Government to set up a Tariff Authority for Major Ports. The Authority shall fix the various port charges, both vessel related and cargo related, hitherto being fixed by the various Port Trust Boards with the approval of the Central Government. The Authority shall also be vested with the powers to fix the rates/ charges to be collected by the private providers of port facilities.

5. The Bill seeks to replace the said Ordinance.

T. G. VENKATRAMAN.

NOTES ON CLAUSES

Clause 2 proposes to substitute the definition of the expression "Magistrate" in section 3 of the Indian Ports Act, 1908 (hereinafter called the Ports Act).

Clause 3 proposes to amend section 6 of the Ports Act relating to power to make rules with respect to major ports.

Clause 4 proposes to amend section 33 of the Ports Act relating to levy of port dues with respect to major ports.

Clause 5 substitutes section 34 of the Ports Act with a new section to enable the Authority, constituted under section 47A of the Major Port Trusts Act, 1963 to vary the port dues at major ports.

Clause 6 proposes to amend section 35 of the Ports Act, as far as they relate to Major Ports for fixing and charging of fees for pilotage and certain other services.

Clause 7 proposes to amend section 46 of the Ports Act, as far as they relate to major ports, for fixing and charging port dues on vessels in ballast.

Clause 8 proposes to amend section 47 of the Ports Act, as far as they relate to major ports for fixing port dues on vessels not discharging or taking in cargo.

Clause 9 omits the entries under column 2, 3 and 4 of the First Schedule to the Ports Act, as far as they relate to major ports.

Clause 10 defines the term "Authority" as the Tariff Authority for Major Ports, in section 2 of the Major Port Trusts Act, 1963 (hereinafter called the Major Port Act).

Clause 11 proposes to withdraw the right to fix rates vested in the Port Trust Boards under section 29 of the Major Port Act and to vest it with the Authority.

Clause 12 proposes to withdraw the powers of the Port Trust Boards to frame scale of rates under section 48, 49 or 50 of the Major Port Act and vest those powers in the Authority.

Clause 13 substitutes the words and figures "The Arbitration Act, 1940" with the words and figures "The Arbitration and Conciliation Act, 1996" in clause (i) of sub-section (3) of section 47 of the Major Port Act.

Clause 14 inserts a new chapter VA in the Major Port Act dealing with the constitution and incorporation of Tariff Authority for major ports, the term of office conditions of services of the Chairman and other Members of the Authority, disqualification for the office of the Chairperson and Members, removal of Chairperson and Members, the rules and procedure in regard to transaction of business at the meetings of the Authority, authentication of all orders and decisions by the Authority and appointment of officers and employees of the Authority.

Clause 15 withdraws the powers of the Port Trust Boards under section 48 of the Major Port Act, for framing the scale of rates and statement of conditions under which the services performed by the Board or any other person and to vest it in the Authority.

Clause 16 of the Bill provides for the Authority to frame a scale of rates and the statement of conditions for use of property belonging to the port trust boards by a notification in the Official Gazette.

Clause 17 inserts new sections 49A and 49B in the Major Port Act providing for the fixation of fees for pilotage and certain other services and for fixing of ports dues by the Authority.

Clause 18 substitute section 50 and insert new sections 50A, 50B and 50C in the Major Port Act, for investing the Authority with the powers to consolidate rates for combination of services, levy of port dues on vessels in ballast, or not discharging or taking in cargo and the publication of orders of the Authority in the Official Gazette.

Clause 19 amends section 51 of the Major Port Act to withdraw the powers to levy concessional rates in certain cases from the Port Trust Boards and vest it in the Authority.

Clause 20 omits section 52 of the Major Port Act.

Clause 21 amends section 54 of the Major Port Act, enabling the Central Government to direct the Authority for modification or cancellation of the rates prescribed by it.

Clause 22 proposes to amend section 57 of the Major Port Act, prohibiting the Authority from leasing rates without the sanction of the Central Government.

Clause 23 amends section 59 of the Major Port Act, for substitution of the Authority in place of the Board as far as it relates to the powers to levy rates.

Clause 24 inserts a new section 110A in Major Port Act giving Central Government the power to supersede the Authority in certain cases.

Clause 25 amends section 111 of the Major Port Act as far as it relates to the power of the Central Government to issue directions to the Port Trust Board and to the Authority on questions of policy.

Clause 26 substitutes section 112 of the Major Port Act providing for every person employed by the Authority and Port Trust Board to be a public servant.

Clause 27 seeks to amend section 121 of the Major Port Act, to provide for protection of acts done in good faith by the Authority or any member or its employees.

Clause 28 seeks to amend section 122 of Major Port Act enabling the Central Government to make rules for the purpose of salaries, allowances and other terms and conditions of Chairperson and Members of the Authority.

Clause 29 seeks to insert a new section 123A in the Major Port Act for vesting the Authority with the powers to make regulations.

Clause 30 amends section 132 of the Major Port Act to prescribe the requirement of the publication of notifications, orders etc., of the Authority in the Official Gazette.

Clause 31 provides for the repeal and saving.

FINANCIAL MEMORANDUM

Clause 14 of the Bill empowers the Central Government to appoint Tariff Authority for Major Ports. The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall by the said name sue and be sued. This will involve an expenditure on the pay and allowances to the Chairperson and other Members of the Authority which is likely to be to the tune of rupees thirty lakhs per annum. The expenditure will be of a recurring nature.

2. Clause 14 of the Bill further provides that the Authority may appoint officers and such other employees as it considers necessary for the efficient discharge of its functions. The liability of the Central Government on account of salary and allowances payable to them is likely to be to the tune of rupees twenty five lakhs per annum and other expenditure on establishment is likely to be rupees fifty lakhs per annum. The expenditure will be of a recurring nature.

3. This Bill does not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill seeks to amend section 29 of the Major Port Trusts Act, 1963, hereinafter referred to as the Act, empowering the Tariff Authority for Major Ports, which is to be constituted under the Bill to fix rates.

Clause 15 of the Bill seeks to amend section 48 of the Act, empowering the Authority to fix and notify the rates for services to be performed by the Port Trust Board or by any other person.

Clause 16 of the Bill seeks to amend section 49 of the Act, empowering the Authority to fix the scale of rates and conditions for use of property belonging to the Port Trust Boards, by a notification in the Official Gazette.

Clause 17 of the Bill seeks to insert new sections 49A and 49B in the Act, empowering the Authority to decide the fees for pilotage and certain other services, fixation of Port dues and notification of the rates in the Official Gazette.

Clause 18 of the Bill seeks to substitute section 50 and insert sections 50A, 50B and 50C in the Act, empowering the Authority to consolidate rates for combination of any of services and fix Port dues on vessels in ballot not discharging, or taking in Cargo and also to publish the orders in the Official Gazette.

Clause 29 seeks to insert section 123A in the Act, empowering the Authority to make regulations for the times and places of the meeting of the Authority and the procedure to be followed therefor and for the salaries and allowances payable to and other conditions of services of officers and other employees of the Authority.

The matters in respect of which the rules or regulations to be made are matters of procedure and administrative in nature. The delegation of powers is, therefore, of a normal character.

II

BILL NO. XVI OF 1997

A Bill to amend the National Commission for Safai Karamcharis Act, 1993.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the National Commission for Safai Karamcharis (Amendment) Act, 1997.

Amendment of section 1.

2. In the National Commission for Safai Karamcharis Act, 1993 (hereinafter referred to as the principal Act), in section 1, in sub-section (4), for the figures, letters and words "31st day of March, 1997", the figures, letters and words "31st day of March, 2002" shall be substituted. 64 of 1993.

Amendment of section 4.

3. In section 4 of the principal Act, in sub-section (1), the following provisos shall be inserted, namely:—

"Provided that the Chairperson, Vice-Chairperson and every Member holding office as such immediately before the commencement of the National Commission for Safai Karamcharis (Amendment) Act, 1997 shall vacate their respective offices on the 31st day of March, 1997:

Provided further that the Chairperson, Vice-Chairperson and every Member appointed after the commencement of the National Commission for Safai Karamcharis (Amendment) Act, 1997 shall hold office for such period not exceeding three years as may be specified by the Central Government in this behalf or up to the 31st day of March, 2002, whichever is earlier.".

STATEMENT OF OBJECTS AND REASONS

The Government of India have been implementing special schemes for the liberation and rehabilitation of Safai Karamcharis and their dependents, besides the various other steps taken for their social, economic and educational upliftment. It was orginially targeted to end the obnoxious practice of manual scavenging by the end of the Eighth Five Year Plan. But the task could not be completed due to the tardy pace of progress in most of the States. Being a continuing stigma on the social fabric, it is Low proposed to eradicate this inhuman practice by the end of the Ninth Five Year Plan. As there was no separate agency at the Central level to study, evaluate and monitor the schemes for liberation and rehabilitation of Safai Karamcharis, the National Commission for Safai Karamcharis was constituted in the year 1993 as a body at the national level under the National Commission for Safai Karamchari Act, 1993. The said Act will remain in force only up to 31st March, 1997. The functioning of the Commission during the past three years has been appreciable in terms of their set goals and objectives. Since the task of eradication of manual scavenging is proposed to be completed by the end of Ninth five Year Plan, it is proposed to extend the operation of the Act till 31st March, 2002.

2. The Bill seeks to achieve the aforesaid objects.

B.S. RAMOOWALIA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the reconstitution the National Commission for Safai Karamcharis after the commencement of the National Commission for Safai Karamcharis (Amendment) Act, 1997 for a further period of three years. As a result of this, provision has to be made for payment of salary, allowances, etc., to the Chairperson, the Vice-Chairperson, Members and other staff of the Commission to be reconstituted during this extended period. The total recurring expenditure on this account would approximately be one crore rupees per annum.

2. The Bill does not involve any other recurring or non-recurring expenditure.

V. S. RAMA DEVI,
Secretary-General.

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